[திரு. இரா. நெடுஞ்செழியன்] [5th November 1966

வேண்டியிருப்பதால், போதுமான அளவு அவகாசம் இல்லாமல் காலத்தாழ்வோடு இது கொண்டுவரப்பட்டிருப்பது வருந்தத்தக்கதுதான் என்றாலும் வேறு வழி இல்லை என்ற அடிப்படையில் இன்றே இதை எடுத்துக் கொள்வதில் ஆட்சேபணையில்லை என்பதைத் தெரிவித்து இதை எடுத்துக் கொள்ளலாம் என்று குறிப்பிட விரும்புகிறேன்.

திரு. மீ. கலியாணசுந்தரம்: எதிர்க்கட்சித் தலைவர் அவர்கள் ஒத்துக் கொண்டதால் எனக்கு ஒரு சங்கடம் ஏற்படுகிறது. இந்தச் சட்டத்தின் நோக்கத்தையோ, அவசியத்தையோ யாரும் ஆட்சேபிக்கவில்லை. நானும் வரவேற்கிறேன். ஆனால் அங்கத்தினர்களுக்குப் போதுமான அவகாசம் கொடுத்தால் படித்துப் பல யோசனைகள்வரும்போது சட்டம் இன்னும் சிறப்பாக இருக்க முடியும் என்பது என் கருத்து. ஆகவே, இன்று பொது விவாதத்தை வைத்துக் கொண்டு பிறகு செலெக்ட் கமிட்டி ஒன்று அமைத்து நாளை ஞாயிற்றுக்கிழமையாக இருப்பதால் ஒரு நான்கு மணி நேரம் உட்கார்ந்து பரிசீலனை செய்துவிட்டு செவ்வாய் கிழமை அல்லது புதன் கிழமை அன்று பிரிவு பிரிவாக பரிசீலனை செய்து முடிவு எடுக்கலாம் என்ற என் யோசனையை ஏற்றுக் கொள்ளவேண்டுமென்று கேட்டுக்கொள்கிறேன்.

MR. SPEAKER: The rule requires two days' notice. The Bill was given yesterday morning and we are taking it to-day. If the Members insist that the rule should be followed, we can take it up on Monday.

VI. GOVERNMENT BILL.

THE MADRAS ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS BILL, 1966 (L.A. BILL No. 18 OF 1966).

* THE HON. SRI M. BHAKTAVATSALAM: Sir, I move—

"That the Madras Ancient and Historical Monuments and Archaeological Sites and Remains Bill, 1966[a] (L.A. Bill No. 18 of 1966) be taken into consideration."

Under entry 12 of List II of the Seventh Schedule to the Constitution, Ancient and Historical Monuments other than those declared by or under law made by Parliament to be of national importance are the concern of the State Government. Under entry 40 in List III of the Seventh Schedule of the Constitution, Archaeological Sites and Remains other than those declared by or under law by Parliament to be of National importance are in the concurrent field. The Government of India are precluded from exercising any control over Ancient and Historical Monuments other than those of national importance. In the absence of any legislation by the State Government to regulate the matter, monuments belonging to this category would suffer. With a view to get

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5th November 1966] [Sri M. Bhaktavatsalam]

over this lacuna, the Government of India have been urging this Government for some time to undertake legislation for the protection of monuments other than those declared to be of national importance.

When the list of ancient monuments selected for conservation in the then Madras Presidency was revised and published in 1917, it consisted of over 370 monuments. Subsequently when the Government of India took over the maintenance of the protected monuments in this State, nearly 200 monuments were excluded from the list, even though they were till then protected and maintained at the Government expense. The revised list of protected ancient monuments published by the Government of India in 1928 contained only 341 monuments of the then Madras Presidency. There has been no major alterations in the list except those that were necessary consequent on the partition of the State. The monuments thus left out of the Central List have been left without proper care for some years now. There are also a number of monuments in this State which were not covered by the past surveys and which may require inclusion in the list of protected monuments.

The monuments in the Madras State consist mostly of temples, churches, mosques and other buildings and remains of historical, archaeological or artistic interest including places which are monuments or memorials commemorative of local history, like the place of birth of poet Kambar, the place where Katta Bomman attained martyrdom. Madras State has a very large number of ancient temples and institutions which are in reasonable state of preservation and has in its area the largest number of inscriptions of historical value, compared to any other State. These inscriptions which throw considerable light on past history, culture, social and economic conditions of the people deserve protection. A nucleus of an Archaeological Department to survey and list out all such monuments and assess their needs of conservation and maintenance and to supervise the work implemented so far has been set up in this State. A Special Officer has been placed in charge of the Department. He has taken all necessary preliminary steps to take over and preserve these monuments.

The proposed legislation has been drafted mainly on the lines of the Ancient Monuments Preservation Act, 1904 (Central Act VII of 1904). The concurrence of the Government of India has been obtained to the introduction of the Bill in the State Legislature.

I shall now briefly indicate the salient features of the Bill.

The Government may declare any ancient monument or archaeological site or remains to be protected monument or a protected area if in their opinion such monument or site or remains require protection under the Act. Provision has been made for the acquisition of rights in a protected monument which is not owned

by Government. Provision has also been made for the preservation of protected monuments by the owners of such monuments. In the event of such an owner failing or refusing to enter into an agreement, the Government may make an order providing for such preservation and such order shall be binding on the owner. Provision has also been made for acquisition of a protected monument if, in the opinion of the Government, it is in danger of being destroyed, injured or allowed to fall into decay. Such monument or protected area will be acquired under the provision of the Land Acquisition Act, 1894, as if the maintenance of the protected monument or protected area is a public purpose. Care has been taken to ensure that a protected monument, which is a place of worship or shrine shall not be used for any purpose inconsistent with its character. The public shall however have a right of access to any protected monument.

The Bill also provides for regulation of excavations and for the compulsory acquisition of antiquities of historical or archaeological importance discovered during such excavation. Provision has been for the control of movement of antiquities from place to place.

This is a non-controversial Bill and is a necessary one. I request the House that the Bill be taken into consideration.

SRI M. KALYANASUNDARAM : Sir, I move—

"That the Madras Ancient and Historical Monuments and Archaeological Sites and Remains Bill, 1966 (L.A. Bill No. 18 of 1966) be referred to a Select Committee of the House consisting of . . . . Members".

Sir, the list of Members will be given later.

V. POINTS OF ORDER—*cont.*

(2) ABSENCE OF NATIONAL FLAG IN FORT ST. GEORGE FLAG MAST.

திரு. கே. ஏ. மதியழகன் : ஆன் எ பாயின்ட் ஆஃப் ஆர்டர், சார். தொல்பொருள் ஆராய்ச்சிக்கான சின்னங்களைப் பாதுகாப்பது பற்றிய மசோதா வந்திருக்கிறது. ஆனால் நம் கோட்டை கொடி மரத்தில் நம் சுதந்திரச் சின்னமாகிய கொடி இன்று காலையிலிருந்து பறக்கவில்லை. இதையே பாதுகாக்காமல் இருக்கிறோம். என்ன துக்ககரமான சம்பவம் ஏற்பட்டது? அதன் கீழ்தான் நம் சட்டமன்றமும், ஆட்சிமன்றமும் செயல்படுகின்றன. அரைக் கம்பத்தில் பறந்தால் ஒரு அர்த்தம். கொடியே இல்லாவிட்டால்— இது பெரிய அபசகுனமாக இருப்பதால், இதைப் பாதுகாக்க இந்த அரசாங்கம் தவறியது ஏன்? மழையோ அல்லது மற்ற காரணங்களோ சொல்வதில் பொருத்தம் இல்லை. உடனடியாக நம் தேசீய சின்னத்தை ஏற்றுவது குறித்து, என்ன சமாதானம் சொல்லப் போகிறீர்கள்?